

REMARKS/ARGUMENTS

Applicants thank Examiner Kalinowski for the interview of March 24, 2004.

The office action of January 7, 2004 has been reviewed and these remarks are responsive thereto in accordance with the Examiner interview. Reconsideration and allowance of the instant application are respectfully requested.

Claims 43, 45-47, 50-66, 68, 70-72, 75-91, 93-95, 99-101, 103, 104, 106-108, 110-116 and 121-123 remain in this application. By this amendment, claims 43, 46, 51, 53, 62, 65, 68, 71, 76, 79, 87, 90, 93, 94, 99, 100, 103, 104, 106 and 112 have been amended to clarify the subject matter Applicants regard as their invention. The basis for the above amendments may be found throughout the specification, drawings and claims as originally filed.

The pending claims stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Silverman et al. EP0399850 (*Silverman*) in view of Hartheimer et al., U.S. Patent No. 5,305,200 (*Hartheimer*) and U.S. Patent No. 4,376,982 to Bantz et al. (*Bantz*). Applicants respectfully traverse these rejections.

As discussed in the interview, there is no motivation to combine *Bantz* with *Silverman* or *Hartheimer*. As explicitly stated in *Bantz*, the teachings of *Bantz* are limited to signals between hardware regarding the acquisition of hardware resources, and is not directed to data transmissions or data messages between processors. (*See Bantz*, col. 3, lines 16-27). As such, *Bantz* teaches against the combination, because it clearly does not teach or suggest the timing of data transmissions between processors for which it is being relied upon and, by its terms, its teachings are not applicable to such transmissions. One of ordinary skill in the art would therefore not look to *Bantz* for teachings related to the timing of data messages between processors, such as are included in the workstation computers or host computers of the present application.

Nonetheless, if *Silverman*, *Hartheimer* and *Bantz* were combined they would not teach or suggest the claimed invention. The claimed invention pertains to the exchange of data messages between computers rather than the exchange of signals between hardware regarding the acquisition of hardware resources. Neither *Silverman*, *Hartheimer* nor *Bantz*, either alone or in

combination, discloses or suggests the exchange of data messages between computers as recited in the claims. For example, none of the references teaches measuring a confirmation period elapsed from reception of a match notification data message at a workstation, or from sending an acknowledgement of the match notification data message, until the workstation receives a confirmation data message. For at least this reason, Applicants respectfully submit that claims 43, 45-47, 50-66, 68, 70-72, 75-91, 93-95, 99-101, 103, 104, 106-108, 110-116 and 121-123 are allowable over the prior art of record.

In addition, the combination of *Silverman*, *Hartheimer* and *Bantz* teaches away from the claimed invention according to at least claims 50, 51, 53, 56-64, 66, 75, 76, 78, 81-89, 100, 101, 106-108, 110, 111, 113, 114 and 122-123, which pertain to action occurring when a timeout period or interval is exceeded. The action occurring does not include resending messages. For instance, claim 50 recites a storage unit that stores an indication that a purchase was not completed upon an elapsed time exceeding a predetermined confirmation timeout period. In another example, independent claim 59 recites, "receiving an alarm from one of the workstations notifying the networked processor that the indication that the networked processor received the acknowledgment was not received by one of the workstations during an interval."

In contrast with claims 50, 51, 53, 56-64, 66, 75, 76, 78, 81-89, 100, 101, 106-108, 110, 111, 113, 114 and 122-123, *Bantz* teaches that if a resource "has not received a confirmation or cancellation message from the requestor by the end of interval T2, it **resends** the acceptance message to the requestor. **It keeps resending the acceptance message** at intervals T2 until it receives a confirmation or cancellation message." *Bantz*, col. 14, lines 46-51. For this additional reason, claims 50, 51, 53, 56-64, 66, 75, 76, 78, 81-89, 100, 101, 106-108, 110, 111, 113, 114 and 122-123 are allowable over the prior art of record.

Appln. No.: 09/010,919
Reply to Office Action of January 7, 2003
ORDISH et al.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully Submitted,

By: Anthony W. Kardane Reg. No. 48,830
for Joseph M. Potenza
Registration No. 28,175

BANNER & WITCOFF, LTD.
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001
(202) 824-3000

Dated: April 7, 2004